

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KEITH FELDMAN

Plaintiff,

- against -

ASSOCIATED NEWSPAPERS (U.S.A.) LIMITED

Defendant.

Docket No. 1:21-cv-10242

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Keith Feldman (“Plaintiff”) by and through his undersigned counsel, as and for her Complaint against Associated Newspapers (U.S.A.) Limited (“Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction, distribution and public display of a copyrighted video of looters in New York City, owned and registered by Plaintiff, a New York-based videographer. Accordingly, Plaintiff seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant transacts business in New York, maintains its principal executive office in New York, and is registered with the New York Department of State Division of Corporations.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Plaintiff is a videographer having a usual place of business at 565 Broadway, Apt. 5W, New York, New York 10012.

6. Upon information and belief, Defendant is a limited company duly organized and existing under the laws of the United Kingdom, with a principal headquarters at 51 Astor Place, New York, New York 10003, United States.

7. At all times material hereto, Defendant has owned and operated a website at the URL: <https://dailymail.co.uk.com/> (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Video

8. Plaintiff created a video depicting looters in New York City (the “Video”). A true and correct copy of a screenshot of the Video, as uploaded to Plaintiff’s twitter account, is attached hereto as Exhibit A.

9. Plaintiff is the author of the Video and has at all times been the sole owner of all rights, title and interest in and to the Video, including the copyright thereto.

10. The Video is registered with the U.S. Copyright Office and was given Copyright Registration Number PA 2-249-369 with effective date of June 9, 2020 (the “369 Registration”). A true and correct copy of the 369 Registration certificate is attached hereto as Exhibit C.

B. Defendant’s Infringing Activities

11. On or about June 3, 2020, Defendant re-published the Video at URL: <https://www.dailymail.co.uk/news/article-8384139/NYC-looters-dropped-cars-tools-picked-driven-location.html> (the “Infringing Article”). The Video was displayed within the body of the Infringing Article. True and correct copies of screenshots of the Infringing Article are attached hereto as Exhibit C.

12. On Defendant’s Website, commercial advertisements appear adjacent to the display of the Video within the Infringing Article.

13. Defendant did not license the Video from Plaintiff for its Infringing Article, nor did Defendant have Plaintiff’s permission or consent to reproduce, distribute or publicly display the Video on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT)
(17 U.S.C. §§ 106, 501)

14. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-13 above.

15. Defendant infringed Plaintiff’s copyright in the Video by reproducing, distributing and publicly displaying the Video on the Infringing Article.

16. Defendant is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Video.

17. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright law in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

18. Upon information and belief, the foregoing acts of infringement by Defendant have been willful and/or in reckless disregard of Plaintiff's rights.

19. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright law, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(c) for the infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant be adjudged to have infringed upon Plaintiff's copyrights in the Video in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded statutory damages per each work and/or Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Video pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: New Rochelle, New York
December 2, 2021

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